

Securities and Exchange Commission

§ 260.0-2

RULES UNDER SECTION 310

- 260.10a-1 Application for determining eligibility of a foreign person to act as sole trustee pursuant to section 310(a)(1) of the Act.
- 260.10a-2 General requirements as to form and content of applications.
- 260.10a-3 Number of copies—Filing—Signatures.
- 260.10a-4 Consent of trustee to service of process.
- 260.10a-5 Eligibility of Canadian Trustees.
- 260.10b-1 Calculation of percentages.
- 260.10b-2 Applications under section 310(b)(1)(ii).
- 260.10b-3 Applications relative to affiliations between trustees and underwriters.
- 260.10b-4 Application for stay of trustee's duty to resign pursuant to section 310(b) of the Act.
- 260.10b-5 Content.
- 260.10b-6 Notices—Exemptive Application Procedure.

RULES UNDER SECTION 311

- 260.11b-4 Definition of "cash transaction" in section 311(b)(4).
- 260.11b-6 Definition of "self-liquidating paper" in section 311(b)(6).

RULES UNDER SECTION 314

PERIODIC REPORTS

- 260.14a-1 Application of §§ 260.7a-15 to 260.7a-38.

AUTHORITY: 15 U.S.C. 77eee, 77ggg, 77nnn, 77sss, 78ll(d), 80b-3, 80b-4, and 80b-11.

SOURCE: 5 FR 293, Jan. 25, 1940, unless otherwise noted.

EDITORIAL NOTE: For nomenclature changes to this part see 57 FR 36501, Aug. 13, 1992, and 57 FR 47409, Oct. 16, 1992.

NOTE: In §§ 260.0-1 to 260.14a-1 the numbers to the right of the decimal point correspond with the respective rule number of the general rules and regulations under the Trust Indenture Act of 1939.

ATTENTION ELECTRONIC FILERS

THIS REGULATION SHOULD BE READ IN CONJUNCTION WITH REGULATION S-T (PART 232 OF THIS CHAPTER), WHICH GOVERNS THE PREPARATION AND SUBMISSION OF DOCUMENTS IN ELECTRONIC FORMAT. MANY PROVISIONS RELATING TO THE PREPARATION AND SUBMISSION OF DOCUMENTS IN PAPER FORMAT CONTAINED IN THIS REGULATION ARE SUPERSEDED BY THE PROVISIONS OF REGULATION S-T FOR DOCUMENTS REQUIRED TO BE FILED IN ELECTRONIC FORMAT.

TERMS USED IN THE RULES AND REGULATIONS

§ 260.0-1 Application of definitions contained in the act.

Unless the context otherwise requires, the terms defined in the act shall, when used in the rules and regulations, have the respective meanings given in the act.

§ 260.0-2 Definitions of terms used in the rules and regulations.

Unless the context otherwise requires, the following terms, when used in this part, shall have the respective meanings indicated in this section:

(a) *Act*. The term "act" means the Trust Indenture Act of 1939. (53 Stat. 1149; 15 U.S.C. 77aaa)

(b) *Affiliate*. The term "affiliate" means a person controlling, controlled by, or under common control with, another person. The terms "affiliated" and "affiliation" have meanings correlative to the foregoing.

(c) *Agent for service*. The term "agent for service" means the person authorized to receive notices and communications from the Commission.

(d) *Amount*. The term "amount" when used in regard to securities, shall have the meaning given in § 260.10b-1(c).

(e) *Class*. The term "class", when used in regard to securities, shall have the meaning given in § 260.10b-1(e).

(f) *Control*. The term "control" means the power to direct the management and policies of a person, directly or through one or more intermediaries, whether through the ownership of voting securities, by contract, or otherwise. The terms "controlling" and "controlled" have meanings correlative to the foregoing. (See § 260.a-26.)

(g) *Electronic filer*. The term *electronic filer* means a person or an entity that submits filings electronically pursuant to Rules 100 and 101 of Regulation S-T (§§ 232.100 and 232.101 of this chapter, respectively).

(h) *Electronic filing*. The term *electronic filing* means a document under the federal securities laws that is transmitted or delivered to the Commission in electronic format.

(i) *Outstanding*. The term "outstanding", when used in regard to securities,

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shall have the meaning given in § 260.10b-1(d).

(j) *Parent*. The term “parent” means a person controlling one or more other persons.

(k) *Rules and regulations*. The term “rules and regulations” means all rules and regulations adopted by the Commission pursuant to the act, including the forms and instructions thereto.

(l) *Section*. The term “section” means a section of the act.¹

(m) *Subsidiary*. The term “subsidiary” means a person controlled by another person.

[5 FR 293, Jan. 25, 1940, as amended at 58 FR 14686, Mar. 18, 1993; 62 FR 36459, July 8, 1997]

§ 260.0-3 Definition of “rules and regulations” as used in certain sections of the Act.

(a) The term *rules and regulations* as used in section 305 of the Act shall include the forms for registration of securities under the Securities Act of 1933 and the related instructions thereto, and the forms for information, documents and statements under section 305 of the Act.

(b) The term *rules and regulations* as used in section 307 of the Act shall include the forms for applications under section 307 of the Act and the related instructions thereto.

[21 FR 1046, Feb. 15, 1956]

§ 260.0-4 Sequential numbering of documents filed with the Commission.

The manually signed original (or in the case of duplicate originals, one duplicate original) of all registrations, applications, statements, reports, or other documents filed under the Trust Indenture Act of 1939 shall be numbered sequentially (in addition to any internal numbering which otherwise may be present) by handwritten, typed, printed, or other legible form of notation from the facing page of the document through the last page of that document and any exhibits or attachments thereto. Further, the total number of pages contained in a numbered original shall be set forth on the first page of the document.

¹ References to “this section” or to section number preceded by a section symbol are to sections in the Code of Federal Regulations.

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(15 U.S.C. 77s (48 Stat. 85); 15 U.S.C. 78w (48 Stat. 901); 15 U.S.C. 79c and 79t (49 Stat. 810, 833); 15 U.S.C. 77eee, 77ggg, 77nnn, 77sss (53 Stat. 1154, 1156, 1167, 1173); 15 U.S.C. 80w-37, 80c-39 (54 Stat. 841, 842); 15 U.S.C. 80b-3, 80b-4, 80b-11 (54 Stat. 850, 852, 855))
[44 FR 4666, Jan. 23, 1979]

OFFICE OF THE COMMISSION

§ 260.0-5 Business hours of the Commission.

(a) *General*. The principal office of the Commission, at 450 Fifth Street, NW., Washington, DC 20549, is open each day, except Saturdays, Sundays and federal holidays, from 9 a.m. to 5:30 p.m., Eastern Standard Time or Eastern Daylight Saving Time, whichever is currently in effect, *provided that* the hours for the filing of documents with the Commission are as set forth in paragraphs (b) and (c) of this section.

(b) *Submissions made in paper or on magnetic tape or diskette*. Paper documents filed with or otherwise furnished to the Commission, as well as electronic filings and submissions on magnetic tape or diskette under cover of Form ET (§§ 239.62, 249.445, 259.601, 269.6 and 274.401 of this chapter), may be submitted to the Commission each day, except Saturdays, Sundays and federal holidays, from 8 a.m. to 5:30 p.m., Eastern Standard Time or Eastern Daylight Saving Time, whichever is currently in effect.

(c) *Electronic filings*. Filings made by direct transmission may be submitted to the Commission each day, except Saturdays, Sundays and federal holidays, from 8 a.m. to 10 p.m., Eastern Standard Time or Eastern Daylight Saving Time, whichever is currently in effect.

[58 FR 14687, Mar. 18, 1993]

§ 260.0-6 Nondisclosure of information obtained in the course of examinations and investigations.

Information or documents obtained by officers or employees of the Commission in the course of any examination or investigation under section 8(e) of the Securities Act of 1933 (48 Stat. 79; 15 U.S.C. 77h), pursuant to section 307(c) of the Trust Indenture Act of 1939 (53 Stat. 1156; 15 U.S.C. 77ggg), or any examination or investigation under